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Message Text

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44
ORIGIN ARA-10

INFO OCT-01 ISO-00 L-03 SSO-00 NSCE-00 INRE-00 USIE-00

DEAE-00 CIAE-00 INR-07 IO-10 JUSE-00 NSAE-00 SNM-02

TRSE-00 NSC-05 OES-03 OMB-01 AID-05 CAB-02 COME-00

DODE-00 DOTE-00 EB-07 FAA-00 /056 R

DRAFTED BY ARA/MEX:JFKEANE:AC
APPROVED BY ARA/MEX:GEORGE FALK
GC/LA:L.LUNDY (DRAFT)
SER/INC:M.WAMPLER (PHONE)
S/NM:C.BUCK (PHONE)
S/NM:R.DUGSTAD (PHONE)
ARA/LA:G.BROWN
---------- 026434
O 091542Z SEP 75
FM SECSTATE WASHDC
TO AMEMBASSY MEXICO IMMEDIATE

LIMITED OFFICIAL USE STATE 213748

E.O. 11652:N/A

TAGS: SNAR, MX

SUBJECT: AGREEMENT WITH GOM TO HOLD HARMLESS USG AND
PERSONAL SERVICES CONTRACTORS FOR ANY LIABILITY
IN CONNECTION WITH FLIGHT OPERATIONS PERFORMED
BY CONTRACTORS

FOR ALBERTI AND FINK

1. IN ORDER TO PROTECT CONTRACTORS AND USG AGAINST LIA-
BILITIES WHICH COULD ARISE FROM FLIGHT OPERATIONS
PERFORMED BY CONTRACTORS IN FULFILLING THEIR RESPONSIBIL-
ITIES UNDER THEIR CONTRACTS, IT IS NECESSARY TO HAVE AN
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AGREEMENT WITH THE GOM. THIS CAN BE ACCOMPLISHED THROUGH
AN EXCHANGE OF LETTERS. FOLLOWING IS SUGGESTED TEXT OF
A LETTER OF AGREEMENT WHICH EMBASSY IS AUTHORIZED TO
EXCHANGE WITH THE MEXICAN ATTORNEY GENERAL.

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QUOTE: DEAR MR. ATTORNEY GENERAL:

A. I REFER TO THE RECENT SERIES OF COOPERATIVE AGREEMENTS RELATIVE TO CURBING THE TRAFFIC OF ILLEGAL NARCOTICS AND THE SUPPORT THEREFORE PROVIDED BY THE UNITED STATES. INCLUDED IN THIS SUPPORT IS AIRCRAFT OPERATIONS TRAINING BOTH BY UNITED STATES GOVERNMENT EMPLOYEES AND BY A

PERSONAL SERVICES CONTRACTOR TO THE UNITED STATES GOVERNMENT.

B. IN CONNECTION WITH THE TRAINING OPERATIONS OF YOUR AIRCRAFT BY SUCH PERSONNEL, THE UNITED STATES GOVERNMENT WOULD LIKE YOUR ASSURANCES THAT NEITHER SUCH PERSONNEL NOR THE UNITED STATES GOVERNMENT WILL BE LIABLE IN THE EVENT OF LOSS OR DAMAGE TO ANY PROPERTY OR INJURY OR DEATH TO ANY PERSONS ARISING OUT OF SUCH AIRCRAFT OPERATIONS TRAINING.

C. WE PROPOSE THAT THE MEXICAN GOVERNMENT INDEMNIFY AND SAFEGUARD THE UNITED STATES GOVERNMENT, ITS PERSONNEL AND ITS CONTRACTORS, WHO PERFORM FLIGHT OPERATIONS IN SUPPORT OF THE COOPERATIVE PROGRAM FOR THE ABOVE MENTIONED LIABILITIES.

D. IF THE FOREGOING IS ACCEPTABLE TO THE GOVERNMENT OF MEXICO THIS LETTER AND YOUR REPLY SHALL CONSTITUTE AN AGREEMENT BETWEEN OUR TWO GOVERNMENTS.

E. I TAKE THIS OPPORTUNITY TO REITERATE TO YOU THE ASSURANCES OF MY HIGHEST CONSIDERATION AND PERSONAL ESTEEM.

2. OFFICIAL TRANSLATIONS FOLLOWS:

QUOTE: EXCELENTISIMO SENOR PROCURADOR GENERAL:
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HAGO REFERENCIA A LA RECIENTE SERIE DE ACUERDOS COOPERATIVOS RELATIVOS A LA CONTENCION DEL TRAFICO DE NARCOTICOS ILICITOS Y AL APOYO EXTENDIDO PARA TAL FINALIDAD POR LOS ESTADOS UNIDOS. DICHO APOYO INCLUYE EL ENTRENAMIENTO DE PERSONAL DE VUELO PARA LAS OPERACIONES DE LAS AERONAVES, TANTO POR PARTE DE EMPLEADOS DEL GOBIERNO DE LOS ESTADOS UNIDOS, COMO POR PARTE DE UNA ENTIDAD ESPECIALIZADA EN SERVICIOS PERSONALES CONTRATADA POR EL GOBIERNO DE LOS ESTADOS UNIDOS.

EN RELACION CON LAS OPERACIONES DE ENTRENAMIENTO

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PARA LA OPERACION DE VUESTRAS AERONAVES POR PARTE DE DICHO PERSONAL, EL GOBIERNO DE LOS ESTADOS UNIDOS DESEARIA CONTAR CON SUS SEGURIDADS DE QUE NI DICHA PERSONAL, NI EL GOBIERNO DE LOS ESTADOS UNIDOS SERAN HECHOS RESPONSABLES EN EL CASO DE PERDIDAS O PERJUICIOS A CUALQUIER PROPIEDAD, O POR LESIONES O MUERTE DE CUALESQUIERA PERSONAS, QUE EMANEN DE DICHO ENTRENAMINETO PARA LAS OPERACIONES DE LAS AERONAVES.

PROPONEMOS QUE EL GOBIERNO DE MEXICO INDEMNICE Y SALVAGUARDE AL GOBIERNO DE LOS ESTADOS UNIDOS, A SU PERSONAL Y CONTRATISTAS QUE CUMPLEN OPERACIONES DE VUELO EN APOYO DEL PROGRAMA COOPERATIVO, RESPECTO DE LAS RESPONSABILIDADES ANTES MENCIONADAS.

SI LO QUE ANTECEDE ES ACEPTABLE PARA EL GOBIERNO DE MEXICO, ESTA CARTA Y LA RESPUESTA DE VUESTRA EXCELENCIA CONSTITUIRAN UN ACUERDO ENTRE NUESTROS DOS GOBIERNOS.

HAGO PROPICIA ESTA OPORTUNIDAD PARA REITERAR A VUESTRA EXCELENCIA LAS SEGURIDADES DE MI MAS ELEVADA CONSIDERACION Y ESTIMA PERSONAL.

JOSEPH J. JOVA
EMBAJADOR DE LOS ESTADOS
UNIDOS EN LA REPUBLICA
DE MEXICO

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Control Number: n/a
Copy: SINGLE
Draft Date: 09 SEP 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t197509103/baaaaayr.tel
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Review Authority: ShawDG
Review Comment: n/a
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TAGS: SNAR, MX, US
To: MEXICO
Type: TE
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